

EXHIBIT 2

**Declaration of Justin J. Bustos in Support of Nature's Bakery's Application
for Fees Pursuant to ECF No. 104**

EXHIBIT 2

1 **DICKINSON WRIGHT PLLC**

2 JUSTIN J. BUSTOS

3 Nevada Bar No. 10320

4 BROOKS T. WESTERGARD

5 Nevada Bar No. 14300

6 100 W. Liberty St., Ste. 940

7 Reno, NV 89501

8 (775) 343-7500

9 (844) 670-6009

10 Email: jbustos@dickinson-wright.com

11 Email: bwestergard@dickinson-wright.com

12 *Attorneys for Defendant Nature's Bakery, LLC*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF NEVADA

15 TURKIYE IHRACAT KREDI BANKASI,
16 A.S.,

17 Plaintiff,

18 vs.
19 NATURE'S BAKERY, LLC F/K/A BELLA
20 FOUR BAKERY, INC.,

21 Defendant.

22 NATURE'S BAKERY, LLC,

23 Third-Party Plaintiff,

24 vs.

25 INTRANSIA, LLC,

26 Third-Party
27 Defendants.

28 Case No. 3:20-cv-00330-LRH-CLB

**DECLARATION OF JUSTIN J. BUSTOS
IN SUPPORT OF NATURE'S BAKERY'S
APPLICATION FOR FEES PURSUANT
TO ECF NO. 104**

28 INTRANSIA, LLC,

vs.
Counterclaimant,

1 NATURE'S BAKERY, LLC F/K/A BELLA
2 FOUR BAKERY, INC.,

3 Counterdefendant.

4 I, Justin J. Bustos, declare:

5 1. I am an attorney with the law firm of Dickinson Wright PLLC, which represents
6 Defendant Nature's Bakery, LLC as Nevada counsel in the above-captioned action.

7 2. I submit this Declaration pursuant to the Court's October 29, 2021, Order (ECF No.
8 104) finding that Plaintiff engaged in discovery misconduct and awarding Nature's Bakery the
9 fees and costs it incurred as a result.

10 3. Attached to this Declaration as **Exhibit A** are true and correct copies of Dickinson
11 Wright PLLC's redacted invoices describing the work that occurred in connection with this matter.

12 4. Dickinson Wright PLLC is a sophisticated national law firm, and the Nevada office
13 has wide-reaching experience in handling all types of litigation, particularly business and contract
14 litigation.

15 5. I am a Member in Dickinson Wright's Reno Office. I graduated from the University
16 of Michigan Law School in 2004. After graduation, I served as a judicial clerk for the Honorable
17 Larry R. Hicks, United States District Judge, District of Nevada. I have extensive experience
18 assisting clients at both the trial court and the appellate level in all aspects of business disputes,
19 including contract disputes, business fraud, torts, class action lawsuits and intellectual property. I
20 have successfully litigated numerous complex issues in front of, *inter alia*, the Second Judicial
21 District Court, the Eighth Judicial District Court, the Federal District Court for the District of
22 Nevada, the Ninth Circuit Court of Appeals, and the Nevada Supreme Court.

23 6. I have received perennial recognition in numerous publications, including
24 Mountain State Super Lawyers and Nevada Legal Elite.

25 7. Melinda K. Poehlman is a paralegal in Dickinson Wright's Reno office and has
26 extensive experienced assisting counsel in connection with federal intellectual property lawsuits.

1 8. During the relevant period, I charged an hourly rate of \$420.00 an hour, which is
2 less than my standard hourly rate of \$480 an hour. The rate charged in this matter is on the lower
3 end of the rates charged by legal professionals in Washoe County with comparable experience and
4 expertise.

5 9. I spent 8.3 hours in connection with the Motion for Sanctions for a total of
6 \$3,486.00.

7 10. I also spent 3.0 hours in connection with the Motion to Strike in this matter for a
8 total of \$1,260.00.

9 11. Ms. Poehlman spent 2.5 hours in connection with this matter for a total of \$375.00.

10 12. In addition, I spent 1.3 hours in connection with Nature's Bakery's Application for
11 Fees for a total of \$546.00.

12 13. The time spent by Dickinson Wright on this matter was both necessary and
13 reasonable. This fees incurred in this matter were necessary and actually incurred by Nature's
14 Bakery.

15 14. I declare under penalty of perjury that the foregoing is true and correct.

16
17 Dated: November 12, 2021

By: /s/ Justin J. Bustos
Justin J. Bustos

EXHIBIT A

DICKINSON WRIGHT PLLC's REDACTED INVOICES

EXHIBIT A

IN ACCOUNT WITH



190 WEST LIBERTY STREET, SUITE 240
RENO, NV 89501-1991
TELEPHONE: (775) 343-7500
<http://www.dickinsonwright.com>
FEDERAL I.D. #38-1364333

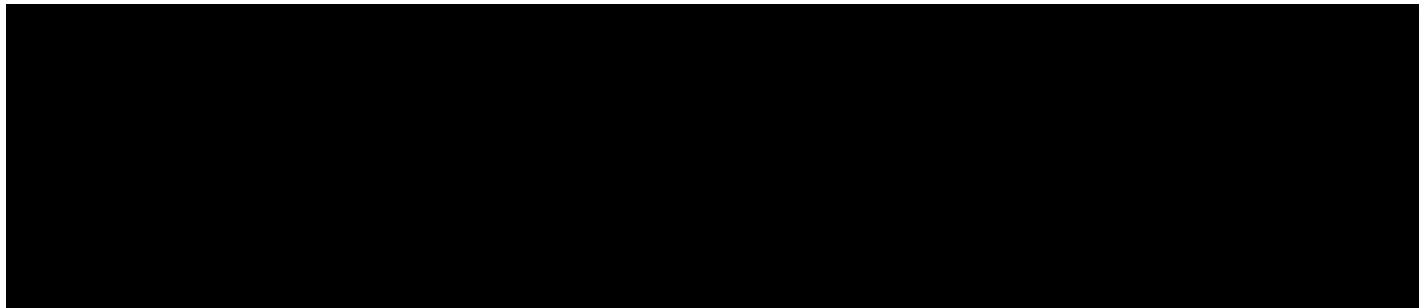
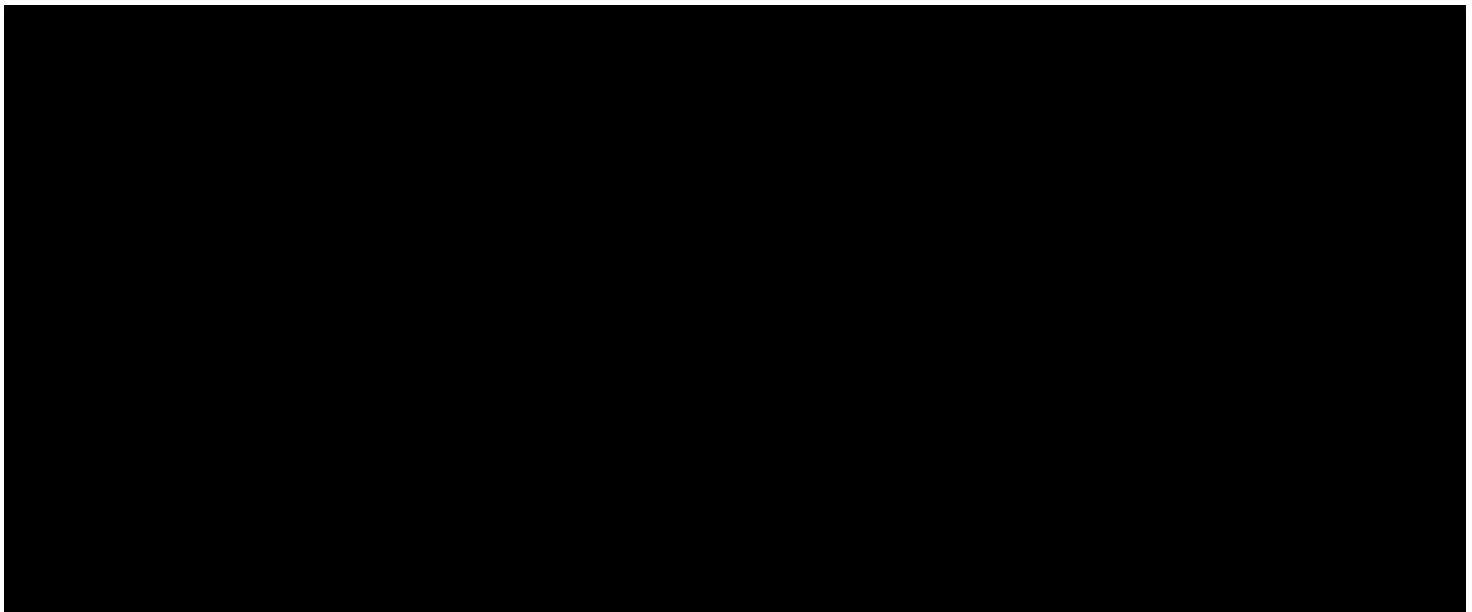
NATURE'S BAKERY, LLC
425 MAESTRO DRIVE
SUITE 101
RENO, NV 89511-2256

ATTN: Tom Gentle

CLIENT/MATTER NO.: 093485-00001

INVOICE DATE: AUGUST 6, 2021
INVOICE NO.: 1605383

RE: COMMERCIAL LITIGATION





190 WEST LIBERTY STREET, SUITE 2440
RENO, NV 89501-1991
TELEPHONE: (775) 343-7500
<http://www.dickinsonwright.com>
FEDERAL I.D. #38-1364333

COMMERCIAL LITIGATION
CLIENT/MATTER NO.:093485-00001

INVOICE DATE: AUGUST 6, 2021
INVOICE NO.: 1605383
PAGE 2

CURRENT INVOICE DETAIL

07/20/21	Review and edit draft Motion for Sanctions.			
	Member JQB	0.8 @ 420.00	336.00	
07/20/21	Revise, finalize and file Opposition to Intransia's Motion for Summary Judgment (1), Opposition to Plaintiff's Motion for Summary Judgment (1) and Motion for Sanctions (1).			
	Member JQB	3.0 @ 420.00	1,260.00	
07/21/21	Review filed-stamped versions of Opposition to Plaintiff's Motion for Summary Judgment, Opposition to Intransia's Motion for Summary Judgment, and Motion for Sanctions.			
	Member JQB	0.4 @ 420.00	168.00	
07/28/21	Confer with David Kwasniewski regarding [REDACTED]			
	Member JQB	0.1 @ 420.00	42.00	

IN ACCOUNT WITH



190 WEST LIBERTY STREET, SUITE 240
RENO, NV 89501-1991
TELEPHONE: (775) 343-7500
<http://www.dickinsonwright.com>
FEDERAL I.D. #38-1364333

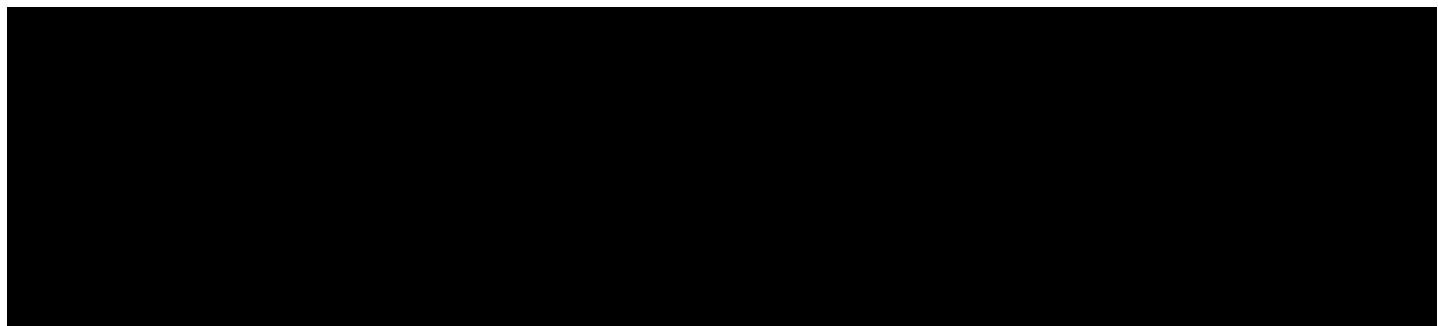
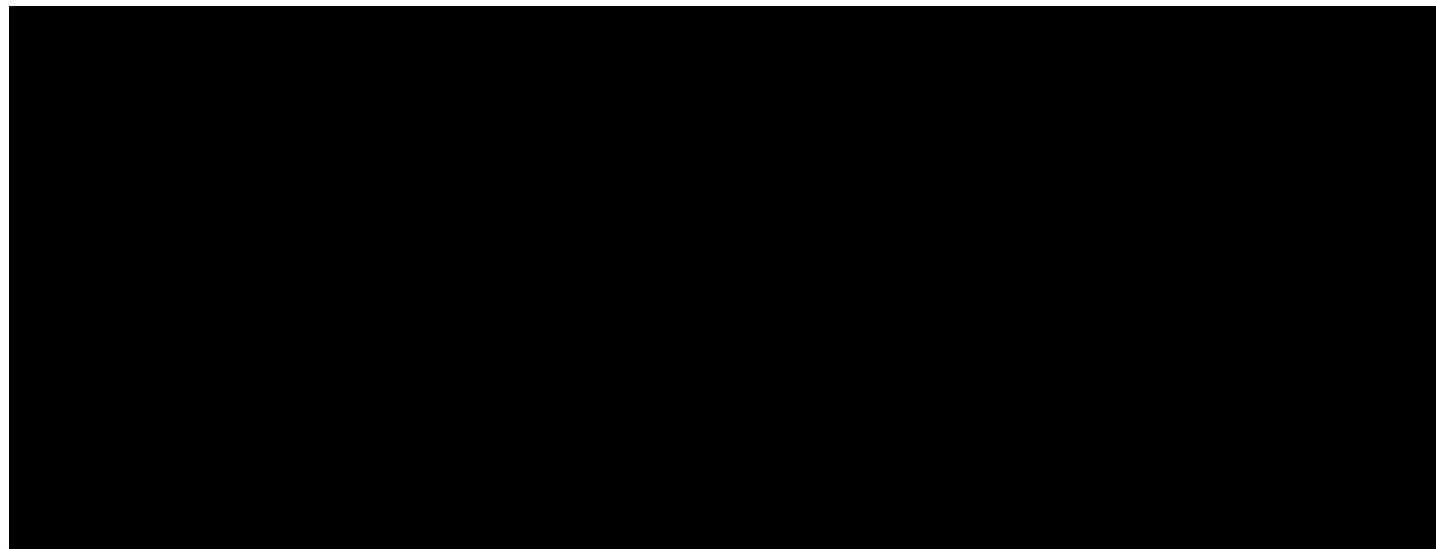
INVOICE DATE: SEPTEMBER 11, 2021
INVOICE NO.: 1616894

NATURE'S BAKERY, LLC
425 MAESTRO DRIVE
SUITE 101
RENO, NV 89511-2256

ATTN: Tom Gentle

CLIENT/MATTER NO.: 093485-00001

RE: COMMERCIAL LITIGATION



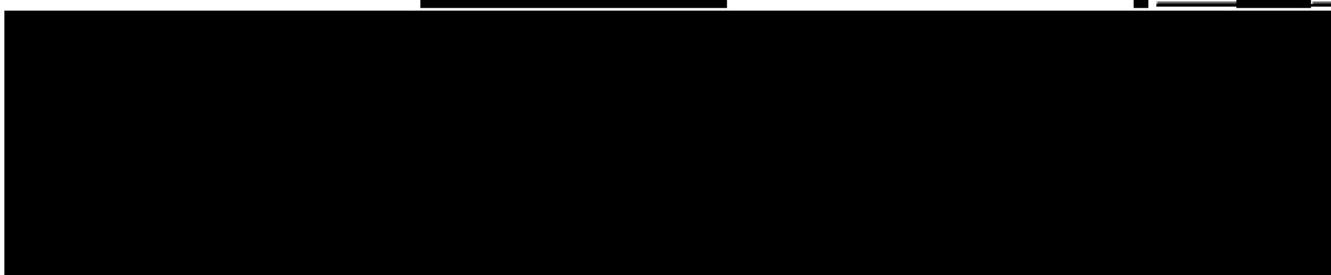


COMMERCIAL LITIGATION
 CLIENT/MATTER NO.:093485-00001

INVOICE DATE: SEPTEMBER 11, 2021
 INVOICE NO.: 1616894
 PAGE 2

CURRENT INVOICE DETAIL

<u>DATE</u>	<u>SERVICES</u>		<u>HOURS/RATE</u>	<u>VALUE</u>
08/03/21	E-mail correspondence with Gabe Bluestone regarding the briefing schedule on the Motion for Sanctions (.3); Revise and file Joint Stipulation Extending Briefing Schedule on Motion for Sanctions (.2).			
	Member JQB		0.5 @ 420.00	210.00
08/19/21	Review Plaintiff's Reply in support of Motion for Summary Judgment and Opposition to Motion for Sanctions (ECF No. 91).			
	Member JQB		0.5 @ 420.00	210.00
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
08/25/21	Phone call with David Kwasniewski and Andrew Levine to discuss [REDACTED] [REDACTED]			
	Member JQB		0.5 @ 420.00	210.00
08/31/21	E-mail correspondence with opposing counsel regarding request for extension of time to file Reply in support of the Motion for Sanctions.			
	Member JQB		0.2 @ 420.00	84.00



IN ACCOUNT WITH



100 WEST LIBERTY STREET, SUITE 940

RENO, NV 89501-1991

TELEPHONE: (775) 343-7500

<http://www.dickinsonwright.com>

FEDERAL I.D. #38-1364333

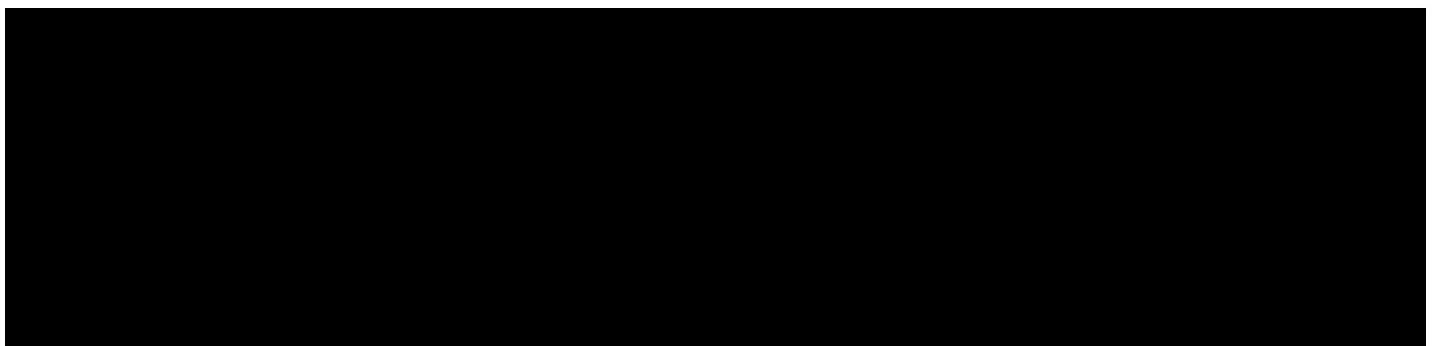
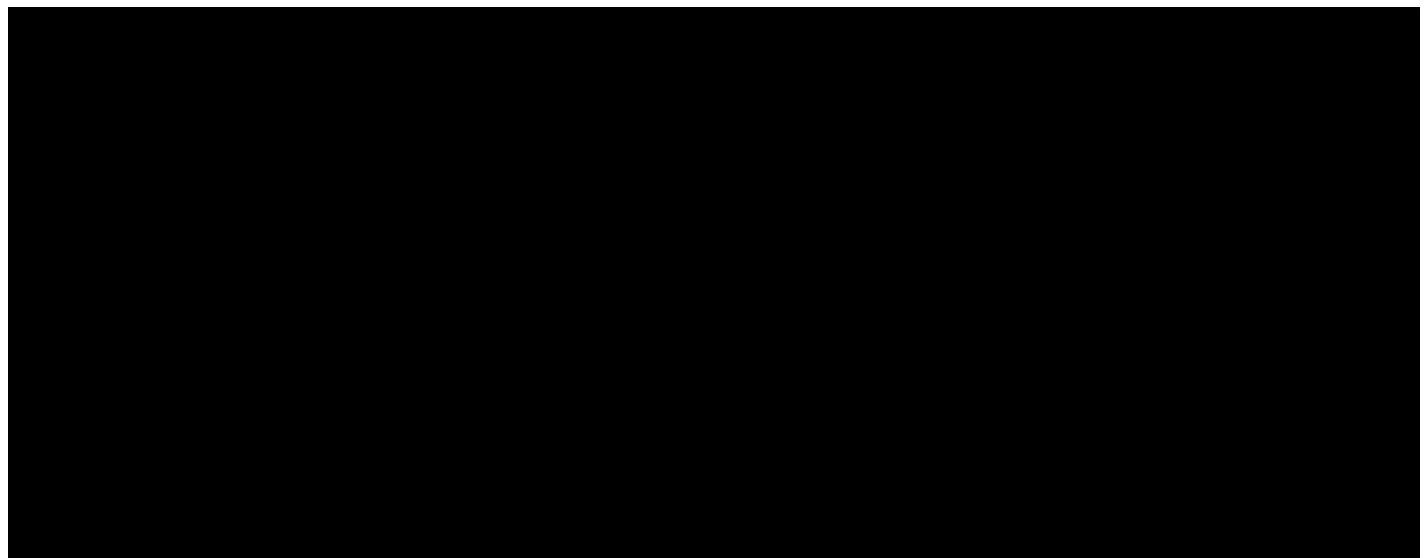
INVOICE DATE: OCTOBER 8, 2021
INVOICE NO.: 1624580

NATURE'S BAKERY, LLC
425 MAESTRO DRIVE
SUITE 101
RENO, NV 89511-2256

ATTN: Tom Gentle

CLIENT/MATTER NO.: 093485-00001

RE: COMMERCIAL LITIGATION





COMMERCIAL LITIGATION
 CLIENT/MATTER NO.:093485-00001

INVOICE DATE: OCTOBER 8, 2021
 INVOICE NO.: 1624580
 PAGE 2

CURRENT INVOICE DETAIL

<u>DATE</u>	<u>SERVICES</u>		<u>HOURS/RATE</u>	<u>VALUE</u>
09/01/21	Draft Motion for Extension of Time to file the Reply Brief in support of the Motion for Sanctions; Multiple e-mails with opposing counsel regarding same.			
	Member JQB		1.7 @ 420.00	714.00
	[REDACTED]			
	[REDACTED] [REDACTED]		[REDACTED]	[REDACTED]
09/09/21	Review Marshall Declaration and prepare Exhibits E and F to Sur-reply re Summary Judgment Motion; review, revise, and finalize Kwasniewski Declaration and prepare Exhibits C, D, and E to Reply re Motion for Sanctions; review, revise, and finalize Reply re Motion for Sanctions.			
	IP Specialist MKP		2.5 @ 150.00	375.00
09/09/21	Finalize and file Reply in Support of Motion for Sanctions.			
	Member JQB		2.6 @ 420.00	1,092.00
09/10/21	Review and edit draft Motion to Strike.			
	Member JQB		0.5 @ 420.00	210.00
09/10/21	Review and edit draft Sur-Reply (.7); E-mail correspondence with David Kwasniewski (.2).			
	Member JQB		0.9 @ 420.00	378.00
09/13/21	Draft and file Errata to Motion to Strike.			
	Member JQB		0.4 @ 420.00	168.00
09/27/21	Review Plaintiff's Opposition to Motion to Strike (ECF No. 99).			
	Member JQB		0.4 @ 420.00	168.00
09/30/21	Edit draft Reply in support of Motion to Strike.			
	Member JQB		0.8 @ 420.00	336.00

